IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 151 of 2004 (S/B)

Shiv Prasad Kuriyal,
S/o Sri M.N. Kuriyal,
Presently posted as Medical Officer,
Coronation Hospital, Dehradun. ……. Petitioner

Versus

State of Uttaranchal through Secretary,
Medical Health & Family Welfare,
Dehradun & others. …… Respondents

Mr. B.D. Upadhyaya, learned counsel for the petitioner.
Mr. K.P. Upadhyaya, learned Brief Holder for the State.

Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

1. Heard Mr. B.D. Upadhyaya, learned counsel for the petitioner and Mr. K.P. Upadhyaya, learned Brief Holder for the State.

2. This writ petition pertains to the question of seniority. Petitioner was appointed on ad-hoc basis on 4.10.1990. He was regularised on 17.07.1998. There was a dispute of the seniority in between the ad-hoc employees and those who were the direct employees through the regular appointments. That dispute was, ultimately, decided by the Supreme Court and the seniority was directed to be decided on the basis of the continuous officiation.

3. In that view, the petitioner has made the representation to the State Government, however, the State Government has not so far decided that representation nor has it taken any action. Annexure 4 to the writ petition is the representation.

4. Mr. K.P. Upadhyaya, learned Brief Holder appearing on behalf of respondents, however, submits that if so directed, said representation can be disposed of within six weeks from the order reaches the concerned authority. He promises that the representation

shall be decided on its own merits and according to law. Mr. B.D. Upadhyaya, learned counsel for the petitioner has no objection to this.

5. Therefore, this writ petition is disposed of with a direction to the State Government to dispose of the representation with six weeks from the date, the order is informed to the State Government.

(Irshad Hussain, J.)
01.10.2004

(V.S. Sirpurkar, C.J.)
01.10.2004

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